

AMENDMENTS TO THE DRAWINGS:

A replacement drawing is submitted for Figure 1. The legend "PRIOR ART" has been added.



REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

A replacement drawing is submitted for Figure 1, labeling this figure as prior art. The above change is the only change and is believed not to introduce new matter, while addressing the drawing objection noted in the Official Action.

Claims 1-18 were previously pending in the present application. New claims 19-21 were added. Therefore, claims 1-21 are presented for consideration.

Claim 17 is amended to depend from claim 15 in order to address the claim objection noted in the Official Action.

Claims 1-17 were rejected under 35 USC §101 as being directed to non-statutory subject matter for not performing a useful, concrete and tangible result. That rejection is respectfully traversed.

Independent claims 1 and 13-15 are amended and recite that the configurable integrated circuit of the protecting pair unit is structured and arranged to perform the switch-over independently of a CPU when the switch-over is needed. Such switch-over from an integrated circuit of a unit to an integrated circuit of a protecting pair unit is believed to be a useful, concrete and tangible result. Accordingly, withdrawal of the rejection is respectfully requested.



Claim 18 was rejected under 35 USC §101 as being directed to non-statutory subject matter. Claim 18 is amended as suggested in the Official Action to include the phrase "computer readable medium encoded with computer program" to overcome the rejection.

Claims 1, 7-16 and 18 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as unpatentable over co-pending Application 2004/0133368.

A terminal disclaimer is submitted herewith that is believed to obviate this rejection.

Claims 1-18 were rejected under 35 USC §102(e) as being anticipated by SHABTAY et al. 7,093,027. That rejection is respectfully traversed.

Independent claims 1, 13-15 and 18 are amended and recite that the configurable integrated circuit of the protecting pair unit is structured and arranged to perform a switch-over independently of a CPU. Support for this new language can be found on page 8, lines 18-23.

SHABTAY discloses a method to send Hello packets in Ethernet network and protects VLAN between a local edge and a remote edge by creating an alternative VLAN. The switch-over is performed when a fault is detected. SHABTAY relates to the method of sending the Hello packets but not into the hardware end of the system device.



The characterization of SHABTAY as set forth in the Official Action with respect to ASIC and FPGA appear to be incorrect. The Official Action states that the figures of SHABTAY show a switching between gates being implemented by ASIC or FPGA. Figure 1 is offered in support of this position. However, the operation of SHABTAY is disclosed on column 18, lines 46-47 wherein the network processor implements the switching fabric for providing the switching functionality of the device. Thus, the network processor provides a switching function.

In contrast, as set forth above, the independent claims are amended to recite that the switch-over is carried out without participation by the CPU and rather is performed completely by ASIC or FPGA independently of participation by a CPU.

The following passages of SHABTAY further support applicant's characterization of SHABTAY. Column 10, lines 9-11 disclose that a switch 30 implemented such as by a network processor, or one or more FPGAs or ASICs, discloses that only packet switching is implemented by ASIC or FPGA. This passage does not disclose how the switch-over is signaled or carried out within the device between the units.

Column 19, lines 3-11 and lines 53-58 of SHABTAY disclose that the method of SHABTAY can be implemented by ASIC. However, the method that SHABTAY is referring to is a method for performing fast switch-over between main VLAN and alternate VLAN



by using Hello packets. This kind of general teaching does not teach that the configurable integrated circuit of the protecting pair unit is arranged to perform the switch-over independently of a CPU.

This is further evidenced by column 5, lines 43-47 of SHABTAY which disclose that the method of SHABTAY is carried out by a product of Atrica A-2100. One of ordinary skill in the art would understand that such a product does not realize signaling between the units and is needed due to the product itself. Furthermore, such a product cannot be arranged so that the configurable integrated circuit of the protecting pair unit is arranged to perform a switch-over independently of a CPU. The Atrica product is a single unit device and therefore there is not internal signaling for switch-over between the units, and the same is not needed because the switch-over is carried out in a different manner.

In view of the above, it is apparent that SHABTAY does not disclose how the switch-over is carried out within the unit (or end) and thus within the devices. To the contrary, SHABTAY discloses a method of how the protection is carried in the network between the units by using and signaling the Hello packets.

Accordingly, SHABTAY does not disclose that which is recited and reconsideration and withdrawal of the rejection are respectfully requested.



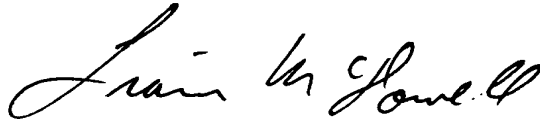
Please charge the terminal disclaimer fee of \$130 to  
Deposit Account No. 25-0120.

Please charge the fee of \$50 for the extra claim of any  
type added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this,  
concurrent, and future replies, to charge payment or credit any  
overpayment to Deposit Account No. 25-0120 for any additional  
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



---

Liam McDowell, Reg. No. 44,231  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

LM/lk



**APPENDIX:**

The Appendix includes the following items:

- a Replacement Sheet for Figure 1 of the drawings
- terminal disclaimer